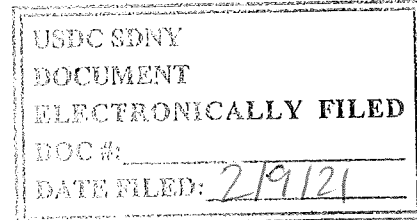


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
In Re: :: AHMED HUSAIN ZUBAIR, :
: Debtor, :-----X
AHMED HUSAIN ZUBAIR, :
Appellant, :

v. :

FAY SERVICING, LLC, as servicing agent for :
Wilmington Savings Fund Society, FSB, d/b/a :
Christiana Trust, not individually but as trustee :
for Hilledale Trust, :Appellee. :
-----X**ORDER**

20 CV 8829 (VB)

On February 9, 2021, appellant, who is proceeding pro se and in forma pauperis, filed a motion to strike attorney Courtney R. William's letters to the Court (Docs. ##11–12), as unlawful personal ex parte communications. (Doc. #14). Appellant's motion is DENIED.

Ms. Williams filings are not unlawful ex parte communications. First, appellant's motion makes clear that he did receive the letters Ms. Williams filed on behalf of Fay Servicing, LLC. Second, an ex parte communication is "[a] communication between counsel or a party and the court when opposing counsel or party is not present." Ex Parte Communication, Black's Law Dictionary (11th ed. 2019). The documents at issue were filed publicly on the Court's Case Management/Electronic Case Files ("ECF") system case docket. Documents filed publicly by registered users on the ECF system are not ex parte communications. Ms. Williams has not otherwise attempted to contact the Court.

Nevertheless, counsel is reminded that because appellant has not consented in writing to receive filings through the Court's ECF system or by other electronic means, a copy of any submission must be properly served on appellant in compliance with Fed. R. Civ. P. 5(b). See Fed. R. Bankr. P. 7005 ("Rule 5 F.R.Civ.P. applies in adversary proceedings.").

Pro se parties also are encouraged to consent to receive all court documents electronically. A consent to electronic service form is attached to this Order. It is also available on the Court's website at: <https://www.nysd.uscourts.gov/sites/default/files/pdf/proseconsentecfnotice-final.pdf>, a website which also includes other helpful information for pro se parties. Pro se parties who are unable to use email may submit documents by regular mail or in person at the drop box located at the U.S. Courthouses in Manhattan (500 Pearl Street) and White Plains (300 Quarropas Street). For more information, including instructions on this new email service for pro se parties, please visit the Court's website at [nysd.uscourts.gov/prose](https://www.nysd.uscourts.gov/prose).

Accordingly, plaintiff's motion to strike Ms. Williams's letters to the Court is DENIED. (Doc. #14).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk is instructed to terminate the motion. (Doc. #14).

Chambers will mail a copy of this Order to appellant.

Dated: February 9, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge



**United States District Court
Southern District of New York
*Pro Se Office***

Pro Se (Nonprisoner) Consent & Registration Form to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER¹ at www.pacer.uscourts.gov or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail. Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first "free look" or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the "free look" to avoid future charges.*

IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court's Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.²

¹ Public Access to Court Electronic Records (PACER) (www.pacer.uscourts.gov) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

² The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.



**United States District Court
Southern District of New York
*Pro Se Office***

CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

Civil case(s) filed in the Southern District of New York:

Note: This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

Name (Last, First, MI)

Address	City	State	Zip Code
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Telephone Number	E-mail Address
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Date	Signature
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Return completed form to:

Pro Se Office (Room 200)
500 Pearl Street
New York, NY 10007